IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re Acacia Media Technologies Corp.,
_______________________________________/

NO. C 05-01114 JW

ORDER ADOPTING THE PARTIES' STIPULATION RE: BRIEFING SCHEDULE FOR § 112 MOTIONS WITH MODIFICATION

On May 9, 2008, the Court conducted a Case Management Conference regarding the Defendants' proposed § 112 motions and related briefing schedule. Pursuant to the Court's direction, the parties have submitted for the Court's review their proposed schedule. The Court adopts the parties' Stipulation as follows:

(1) On or before **May 16, 2008**, Acacia will notify the Defendants as to which, if any, additional motions it will stipulate;

(2) On or before **July 11, 2008**, Defendants shall file their dispositive motions together with any supporting declaration testimony on the disputed issues identified in the Defendants' letters;

(3) On or before **October 24, 2008**, Acacia shall file its oppositions to the Defendants' dispositive motions together with any supporting declaration testimony; and

(4) On or before **January 9, 2009**, the Defendants shall file their reply briefs to the dispositive motions together with any supporting declaration testimony.

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United States District Court
For the Northern District of California

Upon completion of the briefs, the moving party shall compile a three ring binder containing (1) the motion and any supporting memorandum of law; (2) the opposition memorandum; (3) any reply memorandum; and (4) any exhibits in support or opposition to the motion, which shall be clearly labeled. At the beginning of each binder the moving party shall include, as appropriate, a Chart A or B, in the format described below; each statement shall be supported by appropriate citations to the motion papers and or exhibits.

Chart A - Summary of Infringement Issues

Patent Claim/Elements	**Stipulated Construction/Court Construction**	**Accused Product**	**Defense Asserted**
'000 Patent, Claim 1			
an apparatus comprising	apparatus means: "a device which. . ."	Riverside Model 2	
1. a handle	"handle" means a part held by the human hand	Riverside Model 2	the product lacks a handle

Chart B - Summary of Invalidity Issues

Title of Motion	**Patent**	**Claim No.**	**Basis of challenge**	**Summary of argument in support of motion**	**Summary of argument in opposition to motion**	**Comments**
Partial Motion for Summary Judgment of Invalidity	'000	Claim 3	Lack of Disclosure of Best Mode	The specification states that the inventor was aware [See '000 Patent, Col 3:5-10]	The reference is to a different invention.	This matter is controlled by the Court's claim construction of the following terms:

These binders are not substitutes for filing the motions and related papers via ECF.

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Three copies of the binders, marked, "Chambers' Copies," shall be delivered to the Court (by way of the Clerk's Office) on or before **January 16, 2009 before 3 p.m.** Upon review, the Court will set as many hearings as necessary to adjudicate Defendants' motions.

In addition, at the Case Management Conference, the Court instructed Plaintiff to resubmit the two Covenants Not to Sue (docket item nos. 265, 276) with the Court's recommended edits for signature. To date, no amended covenants have been filed. Plaintiff shall refile the covenants for approval within ten (10) days from the date of this Order.

Dated: May 27, 2008

JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: May 27, 2008 **Richard W. Wieking, Clerk**

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy